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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/753,524	01/09/2004	Shunpei Yamazaki	07977-218003 / US3531/361	7877
26171	7590	01/10/2006	EXAMINER	
FISH & RICHARDSON P.C. P.O. BOX 1022 MINNEAPOLIS, MN 55440-1022			MONDT, JOHANNES P	
			ART UNIT	PAPER NUMBER
			3663	
DATE MAILED: 01/10/2006				

Please find below and/or attached an Office communication concerning this application or proceeding.



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APPLICATION NO./ CONTROL NO. 10/753,524	FILING DATE JANUARY 9, '04	FIRST NAMED INVENTOR / S. Yamazaki PATENT IN REEXAMINATION	ATTORNEY DOCKET NO. 07977-218003/ US 3531/3615 D.I.D.
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EXAMINER

J. MONDT

ART UNIT

PAPER

3663

20060105

DATE MAILED:

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Commissioner for Patents

In light of telephone conversations between Applicant's Representative and the examiner following the Miscellaneous Communication of 10/07/05, said Miscellaneous Communication is herewith being replaced with the following Miscellaneous Communication so as to provide more time for Applicant to prepare for a response/amendment based on the same invention as originally claimed. Examiner apologizes for the initial impression given during the first of said telephone conversations that he agreed with Applicant's view that the Miscellaneous Communication was erroneous; it is his opinion that it is not erroneous. Therefore, said Miscellaneous Communication is herewith repeated once more, as follows:

Receipt is acknowledged of an Amendment received 7/19/05. However, the submission is not fully responsive to the prior office action because the newly submitted claims are directed to an invention that is independent and distinct from the originally claimed invention for the following reasons: specifically, the new invention is directed towards a personal computer comprising a semiconductor film and gate electrode as claimed both now and in the original claims, but now claimed to also comprise a metal element contained in said semiconductor film, a layer comprising an element selected from titanium, tungsten, tantalum and molybdenum provided adjacent source or drain region with silicide therebetween, an interlayer insulating film over said semiconductor film and said gate electrode, and a contact hole in said interlayer insulating film and over said source or drain region and said layer (only), while, in contrast, the original invention was directed to a personal computer comprising said semiconductor film and gate electrode but comprising lattices continuously connected to each other at grain boundary of said semiconductor film according to high resolution TEM (only). The two inventions, i.e., the originally claimed and newly claimed invention, relate as species because nothing in the originally claimed invention implies the claim limitations in the newly claimed invention, vice versa. Since Applicant has received an action on the merits for the originally presented invention, this invention has been constructively elected by original representation for prosecution on the merits. Accordingly, claims 21-41 are withdrawn from consideration as being directed to a non-elected invention. See 37 C. F.R. 1.142(b) and MPEP, paragraph 821.03. Therefore, since there are no pending claims drawn to the originally examined invention, the submission must be considered non-responsive. Because the above-mentioned reply appears bona fide, Applicant is given ONE (1) MONTH OR THIRTY (30) DAYS from the mailing date of this Notice, whichever is longer, within which to supply the omission or correction in order to avoid abandonment. This shortened statutory period of reply supersedes the time period set in the prior office action. EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 C.F.R. 1.136(a).


J. MONDT, Examiner AU 3663.